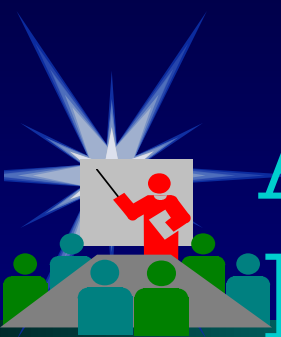




# ALTERNATIVE DISPUTE RESOLUTION

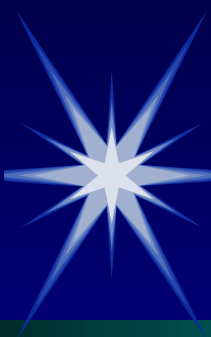
THOMAS DOUGHERTY  
SENIOR COUNSEL  
DEFENSE SUPPLY CENTER  
PHILADELPHIA



# ALTERNATIVE DISPUTE RESOLUTION (ADR)

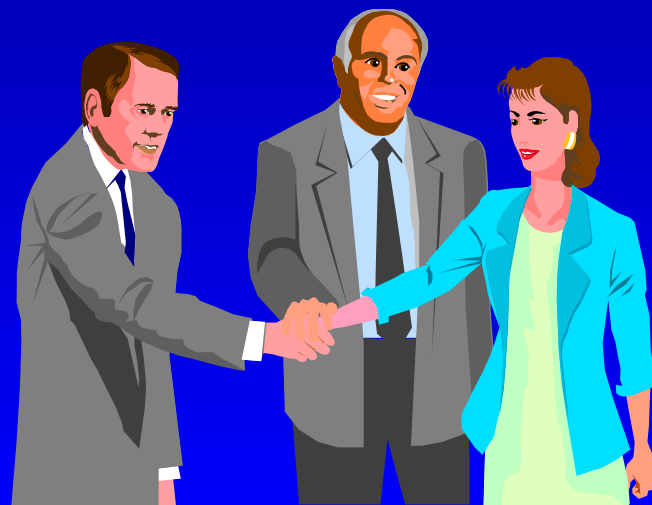
- What is it
  - ▢ Legal basis
  - ▢ Why is it important to implement an ADR program
  - ▢ Roadblocks
  - ▢ Success stories
  - ▢ Future





# DIFFERENT TYPES OF ADR

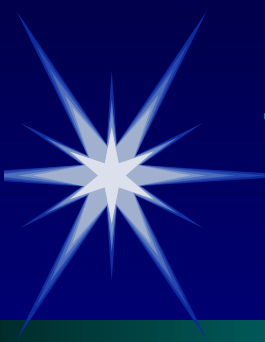
- Third-party neutrals
- Mediation
- Fact finding
- Early neutral evaluation
- Arbitration
- Partnering



# LEGAL BASIS FOR ADR

- ▮ ADR Act of 1996
- ▮ Highlights of Act
- ▮ DSCP's ADR Program





# USING ADR TO RESOLVE CONTRACT DISPUTES

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- ❑ Factual and technical issues are ripe for ADR
- ❑ ADR can reduce costs of litigation
- ❑ ADR can improve business relationships
- ❑ ADR may narrow issues



# CONTRACTING ISSUES FOR ADR

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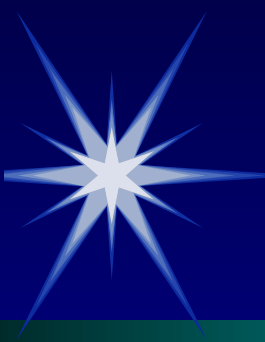
- Protests before and after award - FAR 33.103, 33.214
- Contracting Officer protests
- GAO protests
- Appeals



# ROADBLOCKS TO EFFECTIVE USE OF ADR

- ▮ Parties unwilling to try ADR
- ▮ Skeptical of ADR methods or track record
- ▮ Time frames of existing dispute processes
- ▮ Fear of loss of rights/appeals



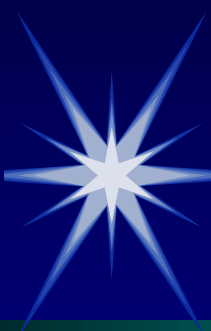


# OVERCOMING THE ROADBLOCKS

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- Explaining the ADR process and its benefits
- Taking the fear out of the process
- Commitment to ADR
- Build you ADR program slowly





# DSCP SUCCESS STORIES

- Established ADR Specialists
  - ▢ Trained contracting personnel in ADR techniques
  - ▢ Using mediation in contract, personnel and environmental disputes
  - ▢ Management commitment - ADR Policy Statement and Regulation



# ADR'S FUTURE: THE NEXT LEVEL

- ▮ Adapting ADR to new business practices
- ▮ Institutionalizing ADR methods in contracts
- ▮ [www.dscp.dla.mil/counsel/counmain.htm](http://www.dscp.dla.mil/counsel/counmain.htm)

